

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PATRICK HENRY MURPHY JR., §

Petitioner, §

-VS- §

CIVIL NO. 3:09-cv-01368-L

CAPITAL CASE

WILLIAM STEPHENS, Director, §
Texas Department of Criminal Justice, §
Correctional Institutions Division, §

Respondent. §

NOTICE OF APPEAL

THIS IS A DEATH PENALTY CASE

TO THE HONORABLE UNITED STATES DISTRICT JUDGE SAM A.
LINDSAY:

Pursuant to the Court's March 31, 2017 Order (ECF No. 117)
denying relief on all claims and denying a certificate of appealability on
all claims and the Court's November 15, 2017 Order (ECF No. 124)
denying Petitioner's Motion filed pursuant to Rule 59(e), Petitioner

Patrick Henry Murphy, through undersigned counsel, hereby gives notice that Petitioner is taking appeal to the United States Court of Appeals for the Fifth Circuit from the Orders (ECF Nos. 117, 124) and Final Judgment (ECF No. 118) entered in this case. Petitioner appeals to the Court of Appeals the Court's decision that he is not entitled to a certificate of appealability on his claims that: he was sentenced to death without the necessary finding that he either had the purpose to commit murder or that he was recklessly indifferent to human life while being a major participant in the robbery, in violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution; he was deprived of the effective assistance of counsel in the sentencing phase of his capital murder trial in violation of the Sixth and Fourteenth Amendments to the United States Constitution; and he was deprived of the effective assistance of appellate counsel, in violation of the Sixth and Fourteenth Amendments to the United States Constitution.

Respectfully submitted,

/s/ David R. Dow

David R. Dow
Texas Bar No. 06064900
University of Houston Law Center
4604 Calhoun Rd.
Houston, Texas 77204-6060
Tel. (713) 743-2171
Fax (713) 743-2131

Counsel to Patrick Henry Murphy, Petitioner

CERTIFICATE OF SERVICE

On Tuesday, November 28, 2017, a true and correct copy of the foregoing pleading was sent to Gwendolyn Suzanne Vindell via the Court's electronic filing system.

/s/ David R. Dow

David R. Dow